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SUBJECT: FY04 SCP: "JUDICIAL REFORM AND
ETHICS" - AUGUST 13 - SEPTEMBER 5, 2004 -
EVALUATION

1. Summary: Five members of Ghana's judiciary, headed by the Supreme Court Chief Justice, participated in a three-week funded single country International Visitor Leadership program under the theme "Judicial Reform and Ethics". Participant line-up was: Justice George Kingsley Acquah, Chief Justice of Ghana; Justice Sophia Abena Boafoa Akuffo, Supreme Court Judge; Justice Victor Jones Mawulom Dotse, Appeals Court Judge; Justice Mariama Owusu, High Court Judge; and Judge Wilhelmina Hammond, Circuit Court Judge. The Chief Justice and other IVLP participants shared conclusions and observations from the trip with DCM, POL and PAS personnel at a recent luncheon hosted by the DCM at his residence. End summary.

2. Description: a) At luncheon given in their honor by the DCM and attended by PAS and POL officers, the Ghanaian Chief Justice and other high-ranking judges who recently returned from an International Visitors Leadership Program in the United States, noted that the US judicial and legal systems are firmly rooted in the principles of law and order, compliance with the law, strict enforcement of the law, respect for the rule of law and the independence of the judiciary. The judges indicated that their visit was a great success, and expressed surprise at the extent to which courts in the US were computerized, and especially so at the "Courtroom 21" in Williamsburg, Virginia. Chief Justice Acquah, who heads the Ghanaian judiciary, has recommended that, as part of the judicial reforms in Ghana, the US Sentencing Commission should be studied closely and "implemented in Ghana". He talked about the group's visit in Washington DC to the Federal Judicial Center, the Department of Justice, the American Bar Association Center and the offices of "Judicial Watch", an NGO, where they had first hand knowledge and experience in the area of federalism and state, as well as a general overview of the state judicial system.

b) Chief Justice Acquah recommended that institutional linkages be established between the Faculty of Law of the University of Ghana, the Ghana School of Law, and "Courtroom 21", to enable young Ghanaian attorneys to receive further legal training and exposure to the latest state-of-the art court technology.

c) The Chief Justice noted that caseload management in US courts is "excellent", and marveled that there is a system in place designed to expedite the hearing and determination of cases. He has proposed that it would be worthwhile to incorporate some procedures used in the US civil and criminal courts to the new rules being designed for Ghanaian courts. The Ghanaian team also noted with interest, that, in the US, experts in a particular field of endeavor are appointed as managers and receivers of properties that have been placed under court injunctions, and that, sometimes the parties involved in the case make their own nominations of who should manage the properties. As a result of information gleaned from his trip, Justice Acquah has proposed to discard the Ghanaian system of appointing court registrars as managers and receivers of seized properties, and in their place, adopt the "US way". He also recommended that the revised Ghanaian code of ethics for judges and magistrates should be submitted to Professor Steven Lubet, a law professor at the Northwestern University in Chicago, for his comments and advice.

d) The group noted with fascination, and at the same time, regret, that the Cook County jail law library is better resourced and equipped than the Ghanaian Supreme Court library. With the same fascination, they talked about their visit to the crime laboratory and of learning, firsthand, how it operated. Also of great interest to the team were the Mental Health Courts they visited in Oklahoma City, where, according to what they

saw, medical personnel, probation officers, the police and all other related offices collaborate to help in the rehabilitation of mentally-challenged convicts. They lamented that due to bad weather and flight problems they were unable to visit the tribal courts in Oklahoma. A visit to those courts, they said, would have afforded them the opportunity to learn how the formal court system in the US blends with tribal court decisions, and how a combination of the two systems could be applied to the Ghanaian court system vis--vis Ghanaian tribal courts.

e) On Alternative Dispute Resolution (ADR), the team observed that this system is widely used and has been integrated into the US judicial system. Justice Acquah noted that JAMS, a local NGO based in California, has made great strides in the use of ADR. He said that the appellate mediation program they learned about in Philadelphia is a unique system which deserves to be studied closely for possible replication in Ghana. Another observation by the group was that important US institutions like the court system, the Department of Justice, the FBI and police are all well-respected and adequately resourced, and there are sufficient checks and balances to ensure that all these organizations do not abuse their powers; stating further that these organs of state collaborated very well with prison and probation officers and medical personnel.

f) On home hospitality, Chief Justice Acquah said that there were numerous dinner invitations and visits to homes, and he expressed the gratitude of the group to the organizers of the program for the warm reception. The group appreciated the excellent coordination of all events and activities, especially mentioning their English Language Officer Dr. Raiford, whose help and support was invaluable. They also highly commended Judges Anne Claire Williams, of the US Appeals Court in Chicago, Vicki Miles-LaGrange, US District Court Judge in Oklahoma, and Theodore McKee, US Circuit Court Judge in Philadelphia, for their willingness to share valuable information, advice and support for the group. Another group they mentioned was the "very pleasant team" from the Department of State, who met and welcomed them during their administrative briefing. They expressed their intention to follow up on discussions with the Federal Judicial Center in Washington DC to explore possible areas of collaboration and institutional linkages.

13. Cities and Dates: The program took the visitors to Washington DC (08/13 - 20, 2004); Williamsburg, Virginia (08/20 - 21, 2004); Chicago, Illinois (08/21 - 25, 2004); Oklahoma City, Oklahoma (08/25 - 28, 2004); Los Angeles, California (08/28 - 09/1, 2004); Philadelphia, Pennsylvania (09/01 - 09/03, 2004); and New York City (09/02/09/05, 2004).

14. Justification: This Single Country Project is a further attempt by Mission to help the Ghanaian judiciary with its reforms and to help improve access to justice in the country. Mission has supported the Ghanaian judiciary since 1997 when a group of Ghanaian legal experts visited the US on a Citizen Exchange program to learn about ADR, and this group succeeded in promoting the use of ADR in the Ghanaian court system and in local communities.

15. MPP Goals: This program has given a major boost to relations between Mission and the office of the Chief Justice, and the Ghanaian judiciary as a whole.

16. Results/Impact: Excellent. The Single Country Project participants think that this program has been a "great eye opener". To Ms. Justice Owusu, this visit was her first to the US, and according to her, she was not disappointed.

17. Quality of USG Support: Excellent. The project was fully funded.

Yates